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April 23, 2014

Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

**Re: Echevarria v. Diversified Consultants, Inc.
Civil No: 1:13-cv-04980-LAK-AJP**

The undersigned represents the Plaintiff in the above-captioned action. On April 22, 2014, this Court issued an Order, granting Plaintiff's motion for summary judgment against the Defendant in the amount of \$39,500.00, plus reasonable attorney's fees and costs. (*See*, Docket 50). The Order further directs the Clerk to enter a Judgment, following the assessment of the Plaintiff's attorney's fees and costs.

It is respectfully submitted that this action, brought under the Telephone Consumer Protection Act, is not eligible for an award of attorney's fees and costs. To the best of the undersigned's knowledge, the TCPA contains no statutory provision allowing for an award of either attorney's fees or costs to be awarded to the successful party. In her Complaint, the Plaintiff did allege separate violations of the Fair Debt Collection Practices Act (the "FDCPA"), which does provide for attorney's fees and costs to be awarded to a successful plaintiff. However, those claims have already been resolved by the parties herein, earlier on in this litigation. *See*, Defendant's Memorandum of Law In Support of Its Motion for Summary Judgment. (Docket 16, page 2, fn 1). As such, Plaintiff does not intend to seek an award of attorney's fees or costs.

It is therefore respectfully requested that the April 22, 2014 Order be amended to remove reference to an assessment of attorney's fees and costs, and to direct the Clerk to enter judgment in the final amount of \$39,500.00.

Kindly contact the undersigned with any questions or concerns regarding the foregoing.

Respectfully Submitted,

/s/ Alan J. Sasson
Alan J. Sasson, Esq.